

1 THE OFFICE OF THE SECRETARY OF STATE
2 STATE OF GEORGIA

3
4 IN THE MATTER OF:
5 STATE ELECTION BOARD HEARING

6 2 MLK JR. DR. SE
7 SUITE 810 WEST TOWER
8 ATLANTA, GEORGIA 30334

9 October 28, 2021
10 9:00 A.M.
11 (Via Zoom)

12 PRESIDING OFFICER: REBECCA SULLIVAN
13 VICE CHAIR, STATE ELECTION BOARD

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19 STEVEN RAY GREEN COURT REPORTING, LLC
20 LaKeysha Terrell-Satterfield, CCR
21 Atlanta, Georgia

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1 APPEARANCE OF THE PANEL

2 (Appeared via Zoom)

3

4 Rebecca Sullivan, vice chair

5 Matthew Mashburn

6 Anh Le

7 Sara Ghazal

8 Ryan Germany

9 Nicolas Northen (Election and Data manager)

10 Sarah Beck

11 Maggie Haisty

12 Frances Watson

13 Charlene McGowan

14 Blake Evans

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1 ORDER OF MEETING

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3 I. Invocation and Pledge of Allegiance

4 II. Approval of Board Meeting Minutes

5 III. Public Comment on Proposed Rules

6 IV. Consideration of Proposed Rules

7 V. Adjournment

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2 (Prayer was recited.)

3 (Pledge of allegiance was recited.)

4 MS. SULLIVAN: For purposes of the record,
5 I'll go ahead and take role, make sure that we have a
6 quorum.

7 MS. SULLIVAN: Ms. Ghazal?

8 MS. GHAZAL: Present.

9 MS. SULLIVAN: Mr. Mashburn?

10 MR. MASHBURN: Present.

11 MS. SULLIVAN: Ms. Le?

12 MS. LE: Present.

13 And we do have a quorum. We'll start with
14 the approval of the board meeting minutes from the
15 September 21, 2021, board meeting. Those have been
16 prepared and presented to the board members. Does
17 anyone have any corrections for those minutes? If
18 not, I'll entertain a motion to approve them.

19 Mr. MASHBURN: Move to adopt.

20 MS. SULLIVAN: We have a motion. Is there a
21 second?

22 MS. GHAZAL: Second.

23 MS. SULLIVAN: Any further discussions? All
24 in favor please say aye.

25 MS. SULLIVAN: Aye.

1 MS. GHAZAL: Aye.

2 MS. LE: Aye.

3 MR. MASHBURN: Aye.

4 MS. SULLIVAN: And there are none opposed.

5 The board meeting notes are approved.

6 Next we'll move on to the public comment on
7 the proposed rule. For those who have indicated that
8 they would like to speak, please be reminded that
9 public comments today will be limited to two minutes
10 per person and should be limited to the posted
11 proposed rule. There is an avenue for those who would
12 like to make comments on other topics to the board.
13 They can be submitted to sedpubliccomments@sos.ga.gov.
14 And we'll begin with public comments.

15 MR. NORTHEN: Okay. The first commenter is
16 on Rule 183-1-12-.12, it is Pamela Reardon, and she
17 will be in in one moment. Pamela, if you unmute, you
18 will be able to speak.

19 MS. REARDON: Hello. Good morning. Can you
20 hear me now?

21 MS. SULLIVAN: Yes, ma'am.

22 MS. REARDON: Okay. I'm Pamela Reardon. I
23 live in Cobb County, a citizen since '99 in Cobb
24 County. Before that, Fulton County. I'm commenting
25 on the absentee application -- eligibility of

1 applications for absentee ballot. In particular, the
2 past -- the (a technical difficulty occurred.) It
3 should be made clear that the web-based tool or
4 application can only be supplied by the Secretary of
5 State's website and no third party can have access.
6 It should all be a multi-bound security just like in
7 the investment broker or banking industry. The
8 Secretary of State has to implement this multi-stepped
9 online voter page because it is a prime (technical
10 issue occurred) that can be hacked.

11 Biden has ordered the federal agencies to
12 have this MFA so multi-factor authentication
13 requirement for live voter page and for these apps
14 should definitely be incorporated. The other issue is
15 even on a web-based application, this needs to be
16 saved for 22 months per the election lock. Can I also
17 make a comment on another one or not? Or should I
18 wait.

19 MS. SULLIVAN: You can go ahead.

20 MS. REARDON: Okay. On the provisional
21 ballots -- I'm sorry. On tabulating, I think I'll
22 just comment on this. I am opposed to starting
23 tabulating so early. I would like tabulating to begin
24 only when advanced voting is finished. Because people
25 come in, which happened last year, and they wanted to

1 vote on the, you know, the machine and their ballot
2 had already been stolen. And someone had already used
3 it as an absentee ballot in voting. They were
4 disenfranchised and their voter -- their vote was
5 suppressed. So those are my two this morning. Thank
6 you very much and for all your hard work.

7 MS. SULLIVAN: Thank you, Ms. Reardon.

8 MR. NORTEN: Thank you. The next public
9 comment is from Elisa Goldklang. If she unmutes
10 herself, she'll be able to speak now.

11 ELISA GOLDKLANG: Hello. Am I unmuted?

12 MS. SULLIVAN: You are. You may go ahead.

13 ELISA GOLDKLANG: Okay. Thank you so much.
14 I'm Elisa Goldklang, and I'm a Cobb County voter. And
15 I'm talking about the Rule 183-1-12-.12 -- .12, excuse
16 me. I don't know if the members of the public are
17 aware, but when we have to photograph poll tapes, we
18 have to drive around late at night and to places that
19 are dark. And I would like -- as suggested, I would
20 like that the poll tapes be posted very clearly that
21 -- so that they can be read from top to bottom. And
22 also if a county has a public accessible website, it
23 would be so much safer and so much easier for the
24 public to have access to the poll tapes to --
25 photograph of the poll tapes on that website for at

1 least 48 hours after the election.

2 And finally, I would like -- I would like to
3 encourage you to follow all of the detailed
4 recommendations made by the nonpartisan of Coalition
5 for Good Governance group because -- it can't be said
6 in two minutes. But I really appreciate all the work
7 that you do. I'm grateful for your service. And
8 thank you so much.

9 MS. SULLIVAN: Thank you.

10 MR. NORTHEN: Thank you.

11 We have no speakers coming up for the next
12 Rule 183-1-12-.13. So we will move on to Rule
13 183-1-12-.18. We have Dr. Monica D. Jones. Once Dr.
14 Jones unmutes herself, she'll be able to speak.

15 MS. SULLIVAN: Dr. Jones, you may speak now.
16 You should be un-muted. You need to unmute yourself.

17 DR. JONES: Alright. Good morning.

18 MS. SULLIVAN: Good morning.

19 DR. JONES: Provisional ballot process,
20 information sheet regarding the Secretary of State's
21 availability for voters. Some of the persons may not
22 be capable of understanding this information. What is
23 the process if persons are not able to read or
24 comprehend the information on the sheets? How reader
25 friendly is the document? I noticed that some cases

1 here have been due to lack of training or knowledge on
2 behalf of poll workers and staff. There are quite a
3 few details related to these provisional ballots. So
4 I wonder, how can the Board of Elections assure that
5 polling officials who will be distributing this
6 information and giving direction are well trained.
7 And also regarding rejection of provisional ballots.
8 If officials cannot determined if a person is eligible
9 to vote by close of business on the third business
10 day, et cetera, the person's ballot will be rejected.
11 This is rather disconcerting.

12 What safeguards are in place for unexpected
13 technical failures or other unforeseen events that
14 will make it impossible to verify a person's
15 eligibility by this deadline? Something that is
16 through no fault of their own. How are we protected,
17 a citizen's right to vote once the ballot leaves their
18 hands? Also, the rule states that voters whose ballot
19 was rejected shall be notified. However, what's the
20 time frame? How promptly will this notification take
21 place? I hope in a sense of fairness and integrity
22 that this board will keep in mind that the State of
23 Georgia has not been found guilty of any fraudulent or
24 unlawful elections. We have shown time and time again
25 that most voters are honest. So let's not penalize

1 them for mistakes or human error that all of us can
2 make from time to time. Thank you for this
3 opportunity to speak.

4 MS. SULLIVAN: Thank you.

5 MR. NORTHEN: Moving on, that was the last
6 public comment for that Rule. Moving on to public
7 comment for the final Rule under public comment today,
8 183-1-14-.12. The first person to speak will be Ilene
9 Johnson -- Elaine Johnson. Ms. Johnson can unmute
10 herself at any time.

11 MS. JOHNSON: Can you hear me?

12 MS. SULLIVAN: Yes, ma'am.

13 MS. JOHNSON: Good morning. My name is
14 Elaine Johnson, and I'm a resident of Macon-Bibb
15 County, and my comment is on the eligibility of
16 applications for absentee ballots, Rule 183-1-14-.12.
17 I think that this -- overall I think that the State
18 Bill 202 ads are unneces- -- unnecessary hand
19 signature requirement to apply for an absentee ballot
20 just to get an application. I recently completed the
21 process myself and have voted absentee in a local
22 election. And I just found the requirement unduly
23 burdensome on me and I use a computer all the time.
24 But I can -- I know that it will be especially
25 burdensome to people with disabilities, and it could

1 really be avoidable. Since last year we were all --
2 we were all able to apply online for an absentee
3 ballot. So as we could do in 2020, I think we should
4 still be able to do. We pay our taxes. We deposit
5 checks. We apply for loans. We handle all our
6 personal credit accounts online, and we e-sign and I
7 think it's just unnecessarily burdensome to require us
8 to download and print an application and then sign it
9 and upload it and scan it and mail it back just to be
10 able to request for an absentee ballot. It should be
11 a simple matter to apply because it should be simple
12 for us to vote. Thank you.

13 MS. SULLIVAN: Thank you.

14 MR. NORTHEN: The next speaker is Robin
15 Donaldson who should be able to unmute themselves and
16 speak at any time.

17 MS. DONALDSON: Okay. Yes. Can you hear me?

18 MS. SULLIVAN: We can hear you.

19 MS. DONALDSON: Okay. Great. Wonderful.
20 Thank you for having me. Good morning. My name is
21 Robin Donaldson, and I'm a resident of DeKalb County.
22 I live in Chamblee, Georgia. And today I would like
23 to speak on Rule 183-1-14-.12, the eligibility of
24 application for absentee ballots. SB 202 adds an
25 unnecessary hand signature requirement to apply for an

1 absentee ballot. This requirement is unduly
2 burdensome on voters especially those people with
3 disabilities and people, you know, who maybe are not
4 as well at our modern technology. Voters should be
5 able to apply online for absentee ballots just like we
6 could do in 2020 and should also be able to e-sign our
7 absentee ballot and applications.

8 In this modern day in 2020, 2021, we pay
9 taxes. We deposits checks. And we applied for jobs
10 online. So it really is unnecessary burdensome to
11 require voters to download and print an application
12 and then have to sign it, upload, scan, and mail it
13 back just to be able to request an absentee ballot.
14 So I just am encouraging the State Election Board and
15 Secretary of State to support counties like Fulton in
16 conducting elections and implementing the many new
17 rules SB 202 rather than threatening to take them
18 over.

19 So again, this is Robin Donaldson. Thank you
20 for allowing me to speak and thank you for your
21 service.

22 MS. SULLIVAN: Thank you.

23 MR. NORTHEN: All right. The next person for
24 comment is Dr. Ngina Jemmott.

25 DR. JEMMOTT : Good morning.

1 MS. SULLIVAN: Good morning.

2 DR. JEMMOTT: So my name is Dr. Ngina
3 Jemmott, and I'm a resident of Fulton County. Today
4 I'm going to speak about Rule 183-1-14-.12,
5 eligibility of the application for absentee ballots.
6 In this modern area, we pay taxes, deposit checks, and
7 apply for jobs online. It's unnecessarily burdensome
8 to require voters to print an application, to sign it
9 and upload, scan or mail it back, just to be able to
10 request an absentee ballot. This demand of resources,
11 time and energy will disenfranchise potential voters
12 and will disproportionately affect impoverished and
13 minority voters.

14 Let's make choices that decrease obstacles
15 and promote participation in our democracy. It's time
16 to end the political power games. This board needs to
17 start taking this Rule seriously and publish rules
18 that support counties rather than bully them. Thank
19 you for your time.

20 MS. SULLIVAN: Thank you.

21 MR. NORTEN: All right. Thank you so much.
22 The next speaker is Sonia Collette Frix. And Sonia
23 should be able to start speaking at any time.

24 MS. FRIX: Thank you. Are you able to hear
25 me?

1 MS. SULLIVAN: Yes, ma'am.

2 MS. FRIX: I'm speaking about -- first, thank
3 you for this format. I'm disabled and not able to
4 drive and I wouldn't be able to drive to get to a
5 public space to speak with you. I'm talking about
6 Rule No. 183-1-14-.12, the absentee ballot
7 applications. I'm speaking for disabled voters and
8 people -- elderly people and people who have to take
9 certain medications. I'm not able to drive. I have a
10 computer, but I don't have a printer, so if were to
11 have to print and sign an absentee ballot application,
12 I would have to -- I couldn't print it at my house. I
13 would have to -- because I have epilepsy and I can't
14 drive, I would have to pay somebody to take me
15 somewhere to get it printed off. And I live on a very
16 fixed income, that's hard -- hard for me. And other
17 people who take medications and elderly people who
18 have triggers will have that same problem.

19 And it doesn't make sense to me that the
20 State of Georgia will take my income tax return
21 without my hand signature, but it won't take my
22 request to vote without a hand signature. That seems
23 like taxation (indiscernible) without representation.

24 And I'm just looking -- oh, the other thing
25 is that I just wanted to say that it seems like we've

1 had our votes counted three or four times, and they've
2 been good counts ever single time. And I don't like
3 the notion of our elected board officials being able
4 to be replaced, but --

5 MS. SULLIVAN: Thank you, ma'am. Your time
6 is elapsed.

7 MS. FRIX: Thank you.

8 MR. NORTEN: Next person for comments is
9 Lindsay Wallace. Lindsay should be able to speak now.

10 MS. WALLACE: Thank you. Can you hear me?

11 MS. SULLIVAN: Yes, ma'am.

12 MS. WALLACE: Good morning. My name is
13 Lindsay Wallace, and I am a Fulton County resident and
14 voter. I would like to speak on the eligibility of
15 application for absentee ballots. I want to echo the
16 statements made by previous callers that the SB 202
17 hand signature requirement to apply for an absentee
18 ballot is unduly burdensome on voters, especially with
19 those with disabilities, the elderly and the poor.
20 And the requirement is unnecessary. I have been able
21 to pay my taxes, purchase a home, and borrow a
22 mortgage in Fulton County solely by online and by
23 e-signing documents. A hand signature has not been
24 required for any of those things. To provide a hand
25 signature, a voter must download and print an

1 application and sign it and scan it or mail it back.
2 And it is an unnecessary burden to require voters to
3 have access to a printer and/or a scanner in order to
4 request an absentee ballot online.

5 Furthermore, the State Board -- State
6 Election Board and Secretary of State should support
7 my county, Fulton County, in conducting elections and
8 implementing the many new rules of SB 202 rather than
9 threatening to take them over. Thank you.

10 MS. SULLIVAN: Thank you.

11 MR. NORTHEN: The next speaker is Patricia
12 Dietz. You should be able to speak now.

13 MS. DIETZ: Good morning. Can you hear me?

14 MS. SULLIVAN: Yes, ma'am. Good morning.

15 MS. DIETZ: Great. My name is Patricia
16 Dietz. I am a resident of DeKalb County since 1994.
17 I really want to thank you for this opportunity to get
18 comments. Like the others, I am commenting on Rule
19 183-1-14-.12 on the eligibility application for
20 absentee ballots. I think our previous speaker with
21 disabilities really laid out why this is such an
22 unnecessary burden, requiring a hand signature just to
23 apply for absentee ballot.

24 As been stated, in order to do this, you have
25 to have a printer in your home to download it. You

1 have to fill it out and then sign it and then you have
2 to scan it before putting it in an envelope, find a
3 stamp and mail it. I know we've all had issues with
4 how long the mail can take. We've also heard about
5 how the technology exist to do an e-signature. This
6 was done in 2020. And, really, the goal is to try to
7 make voting as easy as possible to hear from all
8 people who have the right to vote. I really believe
9 voters should be able to e-sign the request for an
10 absentee ballot.

11 I also just wanted to mention, I participated
12 in the recounts in 2020, and I was incredibly
13 impressed by the County election officials. They know
14 what they're doing. It was so fair. It was so
15 impressive, and the State Election Board and the
16 Secretary of State really should continue to support
17 counties like Fulton in conducting elections rather
18 than threatening to take over them. They know what
19 they are doing, and they can do it very well. I want
20 to thank you again for this time to make comments.

21 MS. SULLIVAN: Thank you.

22 MR. NORTHEN: Next speaker is Angie Thomas.

23 You should be able to unmute yourself and
24 speak now.

25 MS. THOMAS: Okay. Good morning. Can you

1 hear me now?

2 MS SULLIVAN: Yes, ma'am. Good morning.

3 MS. THOMAS: Okay. Thank you. Yes. Angie
4 Thomas, a Fulton County resident. And, yes, I'm
5 talking about the Rule 183-1-14-.12. So first of all,
6 thank you, yes, for what you've already done and the
7 chance to comment today. I know that you are under a
8 lot of pressure. You're getting a lot of opinions
9 from a lot of people, not only from us and Fulton
10 County and in Georgia, but throughout the whole
11 country. So everybody is looking at us, but we depend
12 on you. So those other people, they can have their
13 opinions, but we depend on you. You are elected to be
14 on this board to help represent us and to stand up for
15 doing the right thing.

16 I ask you to look at sort of three things:
17 Facts. What are the facts? What worked before?
18 What's been proven? And some people have mentioned
19 the online request, the recount show, the things we've
20 done, and it just seems like people are looking for
21 something. So look at the facts. Look at the truth.
22 Tell the truth. And then to keep it simple. Many
23 people have talked about how things are burdensome.
24 Keep it simple for all disabilities, people without
25 transportation, keep it simple to apply online. That

1 worked before. That is a fact.

2 And to think on your own. You all are our
3 representatives. You have a lot of experience you're
4 bringing to the table. Think on your own. Just stop,
5 breathe, think what you think is the right thing to
6 do, ask questions, and try to keep it simple. The
7 communication is going to be huge with all of these
8 changes that are in line.

9 So, again, I thank you. Think about the
10 facts, the truth. Keep it simple. Keep it simple.
11 Think on your own and try and rule out or pay
12 attention to what you think is the right thing to do
13 just for us all to be able to safely and efficiently,
14 effectively be able to vote. Have the chance to vote.
15 Let that turn out to be however it turns out without
16 fear or control. Just do the right thing. I so
17 appreciate everything that you do. Thank you so much.

18 MS. SULLIVAN: Thank you.

19 MR. NORTEN: Okay. The next speaker is Max
20 Hess.

21 MR. HESS: Good morning. I'm registered to
22 vote in Fulton County. But during COVID and because I
23 have a work assignment, I'm spending a lot of time in
24 Glynn County. And the application process is
25 filled -- too complicated and error prone. I'll give

1 you an example with my latest application. Where I'm
2 staying, I don't have access to a printer or a
3 scanner. So I went to the Glynn County Board of
4 Elections and because I know they have all that
5 equipment and they could help me, and they have the
6 form already printed out. So they did and I filled it
7 out. And then they chose to use the option of faxing
8 it to Fulton County. It doesn't work well with a fax
9 machine because it has a front side and a back side.
10 So they made a copy of it so that they could fax it
11 and they did. So I went home after making that
12 special trip and waited a while, and I figured I
13 needed to check with Fulton County. So I called their
14 help line, and we went to the time of day when it was
15 faxed, and they did not receive it. And at that
16 point, it was getting too close to the deadline, and
17 so if I had gone back and gotten a copy and filled it
18 out and mailed it, maybe it wouldn't get there in
19 time.

20 So I called Fulton County again and I --
21 they -- you know, I told them I can't scan it to you.
22 So they say said, okay, you can make a picture with
23 your phone, which I did, and send it to us at our
24 e-mail address, and I did that. But here's the thing,
25 they didn't send it to my Glynn County address. They

1 sent the absentee ballot to my Fulton County address.
2 So I contacted somebody who was making a trip from
3 Fulton County to Glynn County and I asked them to go
4 through my mail and get it and drive it to Glynn
5 County so I now have it. All of this could be
6 eliminated if we had an online portal.

7 One other thing is when we did have an online
8 portal, it didn't work for all Federal elections. I
9 tried to use it for the runoff election to fill the --
10 the open seat of John Lewis, and it was not set up for
11 that kind of an election. So if we do get to go back
12 to an online portal, I would like to include all
13 elections. Thank you.

14 MS. SULLIVAN: Thank you.

15 MR. NORTHEN: The next speaker is Sarah
16 Holmes. Can unmute themselves and start speaking.

17 MS. HOLMES: Yes. Can you hear me?

18 MS. SULLIVAN: Yes. Good morning.

19 MS. HOLMES: Good morning. My name is
20 Dr. Sarah Holmes. I'm a resident of Chatham County.
21 I'm a senior citizen. I'm a very reliable voter. And
22 I also want to make a comment or two on Rule
23 183-1-14-.12 regarding applications for absentee
24 ballots. A number of people have already said very
25 clearly that -- or their opinion that I agree with

1 that this rule -- it really imposes some significant
2 burdens on folks who are trying to just request an
3 absentee ballot.

4 I know that in 2020 -- in 2020, it was fairly
5 easy. In 2021, we're going to be -- we'll have to
6 take multiple steps, download, sign, scan or mail or
7 blah, blah, blah. That process can be onerous. I'm
8 reasonably computer literate, but as I was reading all
9 of that stuff, I'm thinking, oh, man, there's so many
10 places that I can make an error on that. And as I
11 said, I'm a very reliable voter. It's very important
12 to me to vote. And it would be very distressing to me
13 if because I made a mistake in a complicated process,
14 I did not get an absentee ballot. I'm somewhat
15 disabled. And I -- as I say, I'm older and so I now
16 regularly vote absentee.

17 I also have concerns about having to provide
18 an actual hand signature in general. My e-signature
19 is accepted on medical records. It's accepted on
20 affidavits, other legal documents, so I don't
21 understand why it's not acceptable on a request for an
22 absentee ballot, not the ballot itself but a request
23 to receive such a ballot.

24 I think the Secretary of State and the State
25 Election Board, if their duties is to support counties

1 in their administration of free and fair elections and
2 instead of, say, publishing the new rule, very clear
3 or providing training or doing other things to support
4 counties, threats are being issued against the
5 counties before anything has ever happened. I find
6 that very disturbing. I really don't understand.
7 There are not statewide elections this year, so I
8 really don't understand why the SOS and the SEB don't
9 do everything that can to make an implementation of SB
10 202 as painless as possible for counties rather than
11 making the jobs more difficult. Thanks.

12 MS. SULLIVAN: Thank you.

13 MR. NORTHEN: The next speaker is Judy
14 Sophianopoulos. You should be able to speak now.

15 MS. SOPHIANOPOULAS: Thank you. Can you hear
16 me?

17 MS. SULLIVAN: Yes, good morning.

18 MS. SOPHIANOPOULAS: Good morning. My name
19 is Judy Sophianopoulos. I live in DeKalb County. I
20 have since 1968. And I'm commenting pretty much
21 agreeing with a lot of the previous comments about
22 Rule 183-1-14-.12, eligibility of application for
23 absentee ballot. It seems to me that the way we did
24 it in 2020 was fine and convenient and easy, and I
25 think that's the way certainly when something that's

1 just an application for an absentee ballot should be
2 without requiring a signature. And that's about the
3 close of my comments. I thank you very much for the
4 opportunity.

5 MS. SULLIVAN: Thank you.

6 MR. NORTHEN: All right. The next speaker is
7 Opal Baker.

8 MS. BAKER: Good morning. My name is Opal
9 Baker. I'm a resident of Fulton County, and I'm
10 speaking on Rule 183-1-14-.12, eligibility of
11 application for an absentee ballot. And I agree with
12 so many of the comments so far and on so many
13 different points.

14 Over the past year, I was happy to exercise
15 my right to vote by absentee ballot given the state of
16 the public health crisis in which Georgia finds
17 itself. The ability to continue in this fashion
18 remains helpful to me and so many others who have
19 concerns or difficulty physically getting out to cast
20 their vote. So now SB 202 has an unnecessary hand
21 signature like others have said a requirement to apply
22 for an absentee ballot. It's an absentee ballot.
23 This requirement is burdensome on voters, especially
24 disabled voters and completely avoidable given a lot
25 of technology. As I did a year ago, all voters should

1 be able to apply online for absentee ballots, and with
2 today's technology, should be able to e-sign, as many
3 have said, their absentee ballot application.

4 The State Board of Elections or the State
5 Election Board and the Secretary of State should be
6 working to make voting easier, not harder for
7 residents of Georgia. Instead, you are playing
8 politics, threatening takeovers when your job is
9 supposed to assist Georgia counties to run successful
10 elections. You dropped the ball on supporting our
11 counties. It's time to quit the political power
12 games. The Board needs to start taking their role
13 seriously and publish rules that support counties and
14 voters, not bully them.

15 Given that there are no statewide elections
16 this year, there's no excuse for the Secretary of
17 State not to do everything in their power to implement
18 this awful SB 202 as painlessly as possible. Stop
19 wasting time getting -- using every tool in your tool
20 box to make county board elections more difficult.
21 Our counties deserve a State Board that works to help
22 them make it easier to vote, not a body of partisan
23 hacks that are adding pressure to an already strained
24 election system. Thank you.

25 MS. SULLIVAN: Next.

1 MR. NORTEN: Next speaker is Catrice
2 Windley. You should be able to speak now.

3 MS. WINDLEY: Good morning. Can you hear me?

4 MS. SULLIVAN: Yes, ma'am. Good morning.

5 MS. WINDLEY: Good morning. My name is
6 Catrice Windley, and I am a Fulton County resident. I
7 am making a comment in reference to Rule 183-1-14-.12.
8 Individuals who are homeless or find themselves in a
9 transitional living situation deserve to exercise
10 their right to vote. Prior to the passage of SB 202,
11 signature verification was the primary means of
12 checking voter identity for absentee ballots.
13 Absentee ballots can be requested up until the Friday
14 before election day.

15 With the passage of SB 202, voters who wish
16 to cast their ballot must be able to provide a
17 driver's license and their information must match
18 their application. But people who are homeless or in
19 transitional living situations may not have these
20 documents with them. They also may not be able to
21 meet that 11-day before the election day time wise in
22 order to receive their ballots. This is a hardship.
23 What will be done to make sure that people who find
24 themselves without their verification documents or are
25 not able to request an application before the 11 days?

1 What actions will be taken? What provisions will be
2 made so that these individuals can exercise their
3 right to vote? Thank you.

4 MS. SULLIVAN: Thank you.

5 MR. NORTHEN: All right. The next speaker is
6 Nicole Hartman. You should be able to unmute yourself
7 and speak at this time.

8 MS. HARTMAN: Good morning.

9 MS. SULLIVAN: Good morning.

10 MS. HARTMAN: My name is Nicole Hartman.
11 Good morning. My name is Nicole Hartman, and I am a
12 resident of Fulton County for the last two weeks.
13 Before that, I was a resident of Cherokee County for
14 14 years. I have voted in every single election since
15 moving to the state of Georgia, even special
16 elections. I feel that voting is really important,
17 and actually I feel that it's required. My parents
18 raised us to believe that you have to vote in every
19 single election, that it is a requirement. Just like
20 you have to, you know, register, you know, gentlemen
21 have to register when they're 18 years old for the
22 draft board.

23 I have -- I wanted to speak today on Rule No.
24 183-1-14-.12, of eligibility for application on
25 absentee ballot. Like everyone else before me has

1 said, I do believe this is a cumbersome -- I currently
2 run a nonprofit that helps women that lose babies, and
3 I have to sign documents and return stuff to the
4 Secretary of State's office all the time, and every
5 single document is allowed to sign with e-sign, and so
6 I don't understand why you want -- I can do all of
7 that electronically, but I can't request an absentee
8 ballot without having to have a printer and a scanner.
9 Many people are not able to have that. That is a
10 burdensome cost, especially when voting is our right
11 and voting is something that should be required.

12 I also am very concerned after just moving
13 from Cherokee County, I never felt that my vote wasn't
14 counted. I always felt that even after 2020, I felt
15 that our state, including all of you, did a phenomenal
16 job proving that we have no fraud in our state and
17 that our state is secure. I appreciate all your hard
18 work for that. But now I'm really unsure moving to
19 Fulton County is my vote even going to be counted and
20 threats of taking over the election board.

21 MR. NORTEN: That is your time.

22 MS. HARTMAN: Thank you. I appreciate your
23 time.

24 MR. NORTEN: Next speaker is Ms. Deborah
25 Jackson. You should be able to unmute themselves and

1 speak.

2 MS. JACKSON: Good morning. Can you hear me?

3 MS. SULLIVAN: Yes, ma'am. Good morning.

4 MS. JACKSON: Yes. Hi, my name is Deborah
5 Jackson. I serve as a co-chair of the political power
6 -- (inaudible) committee of NCNW DeKalb Section, and
7 I'm a resident of DeKalb County. I'm commenting on
8 Rule 183-1-14-.12, on the eligibility of applications
9 for absentee ballots. Our national organization was
10 founded in 1935 by Dr. Mary McCloud Bethune with a
11 mission to lead, develop, and advocate for women of
12 African descent, their families and their communities.
13 As a section celebrating our 30th anniversary, we have
14 been active participants in voter registration, voter
15 education, and voter mobilization. We are very
16 concerned about the signature requirement to request
17 an absentee ballot.

18 As you already heard from previous speakers,
19 this requirement is unduly burdensome on voters
20 especially those who may not be tech savvy or have
21 disabilities. Because voters have to include the
22 number of their driver's license or identification
23 card, the requirement of a signature is not necessary.
24 We firmly believe voters should be able to e-sign
25 their absentee ballot applications.

1 As you know, we can file tax returns, deposit
2 checks and execute many legal documents online without
3 having to put out documents or forms. To require
4 voters to download an application, print it, sign it,
5 and then upload, scan or mail it back, makes no
6 practical sense and places unnecessary obstacles on
7 access to the ballot.

8 Finally, we would urge the State Board of
9 Election and the Secretary of State to support
10 election official and counties such Fulton in
11 conducting elections and implementing the new rules SB
12 202 rather than (inaudible) ways to take them over.
13 Thank you for the opportunity to comment.

14 MS. SULLIVAN: Thank you, ma'am.

15 MR. NORTEN: Next speaker is Pamela Reardon.
16 Should be able to unmute themselves now.

17 BOARD MEMBER: Ms. Reardon, I believe already
18 had spoken and used her two minutes.

19 MS. REARDON: Yeah, I didn't use my full two
20 minutes, but I spoke out of line, and after hearing a
21 lot of the comments, I just want to reiterate that all
22 of these comments, although I disagree that everything
23 was done properly last year, would be -- if we had a
24 multi-level authentication to -- just like we have at
25 our bank -- if we have an investment account to get

1 onto my voter page and then they can also use the same
2 security for these applications so then they could
3 accept an e-signature. The problem was --

4 MS. SULLIVAN: Thank you, Ms. Reardon.

5 MS. REARDON: Okay. The problem was that
6 this was --

7 MR. NORTON: The next speaker is Tara
8 Winston.

9 MS. WINSTON: Good morning. Can you hear me?

10 MS. SULLIVAN: Good morning. Yes, we can.

11 MS. WINSTON: Good morning. My name is Tara
12 Winston, and I'm a resident of Fulton County. I'm
13 also a volunteer with Protect the Vote GA. Thank you
14 for taking public comment this morning. And I will be
15 speaking on the same Rule, eligibility of application
16 for absentee ballots. And I'll be echoing some
17 similar sentiments to many who have spoken before me.

18 The SB 202 requirement of a hand signature to
19 apply for an absentee ballot is burdensome on voters
20 especially those with disabilities as it's been
21 mentioned, even by one of our community members who is
22 disabled. And all of this is avoidable given modern
23 technology. Voters should be able to apply online for
24 absentee ballots as they could do in 2020, and they
25 should be able to e-sign their absentee ballot

1 application.

2 As we talked about, we complete so much other
3 work online without having to have hand signatures. I
4 sign my lease online as well as many other legally
5 binding documents. So it is unnecessary for us to put
6 this burden on voters requiring them to download and
7 print an application, sign it and scan it, to upload
8 or mail it back just to be able to request an absentee
9 ballot. Never mind actually submit their ballot, but
10 just to request an absentee ballot.

11 This requirement creates needless barriers
12 for voters, especially those who do not have access to
13 printers and other technology needed to facilitate
14 this. These folks would have to incur costs in order
15 to do so, effectively requiring them to pay for
16 requesting their absentee ballot. The State Election
17 Board and Secretary of State should support counties
18 like Fulton in conducting elections and implementing
19 the many new rules of SB 202 rather than threatening
20 to take them over. And I hope that you will keep
21 voters at the forefront of your mind as you proceed in
22 your important work. Thank you for your time and
23 attention this morning.

24 MR. NORTEN: Next is Warren Cannon. You
25 should be able to unmute yourself now.

1 MS. SULLIVAN: Mr. Cannon, you may speak.

2 Mr. Cannon?

3 MR. CANNON: Yes. Now can you hear me?

4 MS. SULLIVAN: Yes. Go ahead.

5 MR. CANNON: Thank you. I'm not here to
6 speak this morning -- my name is Warren Cannon. I'm a
7 voter in Gwinnett County. And I'm here to speak on
8 Rule 183-1-14-.12, eligibility of applications for
9 absentee ballot. I agree with several of the people
10 that have spoken already in regards to being able to
11 use e-signature, e-signs to submit an absentee ballot.
12 I have been able to do that with refinance of a
13 mortgage with the bank, so it should be very simple to
14 do that with the State. In fact, we've done it in
15 2020. So I'm not sure why we are going backwards
16 instead of the forward. So the State Board should be
17 looking at ways to make things easier to vote versus
18 harder.

19 I had a chance to talk to one of my friends
20 who is bedridden, 90-year-old woman bedridden, and she
21 needs to be able to vote by absentee. She doesn't
22 have a computer, doesn't have a printer, or a scanner
23 to effect this kind of a change. And it would be very
24 hard for her to do an absentee ballot which she really
25 needs to do it. That means that we are prohibiting

1 her from voting, and that's not appropriate. I think
2 our State Board should be working towards making it
3 easier to vote for all voters in Georgia, not just
4 certain people. So I really want the State Board --
5 you're my State Board, and I appreciate the work that
6 you guys are doing, but I want you to be fair and make
7 it easier to vote for our people versus making it
8 harder. Thank you.

9 MR. NORTHEN: The Next speaker is Jane
10 Zoellick. You should be able to unmute yourself now.

11 MS. ZOELLICK: Good morning. This is Jane
12 Zoellick. I'm a resident of Fulton County. Sounds
13 like you can hear me. Thank you for this opportunity
14 today to speak on Rule 183-1-14-.12, eligibility for
15 application for absentee ballots. I'd like to add my
16 voice to what others have already said. State Bill
17 202 adds an unnecessary hand signature requirement to
18 apply for an absentee ballot. This requirement is
19 unduly burdensome on voters, especially people like my
20 mother with a disability and the elderly. Those
21 without access to printers or scanners.

22 Given our modern technology and customs that
23 several others have outlined in other aspects that
24 governments and businesses have shown in tax
25 collection, banking, job applications, this is really

1 avoidable. And it's unnecessarily burdensome to
2 require voters to download and print the application,
3 sign it, upload it, scan it or mail it back just to be
4 able to request a ballot.

5 Voters should be able to apply online for
6 absentee ballots like they could do in 2020. They
7 should be able to e-sign their absentee ballot
8 applications. The State Board of Elections and the
9 Secretary of State should also support counties like
10 Fulton, where I live, in conducting elections and
11 implementing many rules that SB 202 rather than
12 threatening to take them over. Thank you all for your
13 service to our beloved state of Georgia and for your
14 work to support free and fair elections and for your
15 work to support as many eligible people as possible to
16 participate in our democracy by voting.

17 MS. SULLIVAN: Thank you.

18 MR. NORTHEN: All right. Next speaker is
19 Anna Boze Delgado. You should be able to unmute
20 yourself and speak at this time.

21 MS. DELGADO: Can you hear me now?

22 MS. SULLIVAN: Yes, ma'am. Thank you.

23 MS. DELGADO: Thanks for allowing me to make
24 my comment. I would like to comment on the Rule for
25 the eligibility of application for absentee ballots.

1 I am a resident of DeKalb County in Clarkston,
2 Georgia. Today I would like to echo a lot of the
3 concern that other constituents have about printing
4 out and signing the absentee ballot application
5 because it will affect different groups of people
6 differently. For some people it may not be a problem
7 at all to do that, and for others -- and I'm concerned
8 especially about senior citizens -- sorry. Rural
9 voters and those of -- incomes who may not have a
10 printer at home or for whom transportation is more
11 difficult. And even though it may not be a
12 impossibility, those barriers are going make it harder
13 to point that on a group level, those people may be
14 disproportionately affected.

15 So, yes, thank you for considering our
16 comments, and I look forward to hearing the
17 conversation about the Rule. Thank you for
18 considering and working on behalf of the constituents
19 in the state of Georgia. Thank you so much.

20 MS. SULLIVAN: Thank you.

21 MR. NORTEN: Next speaker is Rhonda Martin.
22 You may go ahead.

23 MS. MARTIN: Hello. Can you hear me?

24 MS. SULLIVAN: Yes, ma'am.

25 MS. MARTIN: Okay. My name is Rhonda Martin.

1 I am a Fulton County voter and a board member of the
2 Coalition for Good Governments. On October 3rd, I
3 e-mailed suggested changes to Rules 183-1-12-.12 on
4 tabulating results and on 183-1-12-.13 on storage of
5 returns to the public comment e-mail address as well
6 as to SEB members whose e-mail addresses were
7 available on the SOS website. The suggested revisions
8 are intended to provide additional transparency to the
9 conduct of primaries and elections, specifically
10 regarding, one, the discovery and reporting on
11 inconsistencies on recap forms. Two, the effective
12 sharing with the public of poll tapes after the close
13 of the polls. Three, access provided to accredited
14 poll watchers. Four, requirements for individuals
15 involved in the tabulation and consolidation of
16 election results. Five, requiring the election
17 officials to complete a reconciliation report to
18 reconcile the total number of ballots cast compared to
19 the number of voters who received credit for voting
20 prior to the certification of election results. Six,
21 the preservation of memory cards. Seven, the
22 availability of election artifacts for responding to
23 open records requests. And finally, eight, reasonable
24 amounts to charge the public for the processing of
25 election related open records requests.

1 Members of the Coalition for Good Government
2 has spent countless hours observing elections, posting
3 of poll tapes, the processing of ballots, and the
4 tabulation and consolidation of election results
5 across the state of Georgia. Our suggested revisions
6 are based on issues we have observed, both during the
7 conduct of primary elections and after the fact when
8 trying to gain access to critical election artifacts.
9 I hope you have reviewed and carefully considered our
10 suggested changes. If desired, we are happy to share
11 details of our experiences and specific motivation for
12 suggested revisions at your convenience. Thank you
13 for your time and attention.

14 MS. SULLIVAN: Thank you.

15 MR. NORTHEN: Next speaker, Marilyn Marks.
16 You should be able to unmute yourself now.

17 MS. MARKS: Thank you. Good morning. I'm
18 Marilyn Marks, executive director of Coalition for
19 Good Governments. CGG is recommending strict
20 requirements for the retention of electronic data on
21 which election results are based. The ballot images
22 and memory cards containing the ballot images and
23 important configuration and system audit log files.
24 The DOJ has recently issued a memo reminding
25 jurisdictions that such electronic election data must

1 be preserved under Federal law.

2 In CCG's ongoing review of the November
3 election, it appears that roughly one million ballot
4 images have been destroyed because the electronic data
5 was not preserved by the counties. We should note
6 nothing we have seen indicates that any contest
7 outcome would change, but it means that there are
8 numerous counties that would be unable to replicate
9 the tallies for the results that they certified.

10 You might think, no problem, we have their
11 original ballots, and we can just rescan those if we
12 need to prove the tallies. No, that's not correct.
13 Because it appears that there are thousands of ballots
14 that were double or triple scanned and counted in the
15 official count. So properly re-scanning would result
16 in a different tally than the original tally. The
17 election was saved from incorrect outcomes by
18 offsetting errors, but voters should not have to bet
19 on the law of offsetting errors to do the heavy
20 lifting when they elect the most power leaders in the
21 world.

22 The double and triple scanning I mentioned
23 brings me to our recommendation related to
24 pre-certification reconciliation of voters to ballots
25 cast and counted. Elections should never be certified

1 until the number of voters and electors getting credit
2 for voting are reconciled to the number of ballots
3 cast and counted. If Georgia had followed such basics
4 canvas procedures to require precertification
5 reconciliation, thousands of double counted votes
6 would have been detected and corrected prior to
7 becoming the official vote count. CGG members will
8 address these rulemaking comments and topics in more
9 detail next. Thank you.

10 MS. SULLIVAN: Thank you, Ms. Marks.

11 MR. NORTHEN: The next speaker is Jeanne
12 Dufort. Should be able to unmute yourself and speak
13 now.

14 MS. DUFORT: Good morning. I'm Jeanne
15 Dufort, Morgan County voter and member of the
16 Coalition for Good Governance. Those were powerful
17 words and information from Marilyn Marks. I urge you
18 to accept the modification proposed by CGG to Rule
19 183-1-12-.13, the storage of returns, and require the
20 retention of scanner memory cards. Last year, CGG
21 proposed a rule requiring retention of scanner memory
22 cards. Ryan Germany assured the scores that the
23 ballot imaged are securely uploaded to each county EFS
24 server and retained for two years, so there was no
25 need to retain the cards.

1 Mr. Mashburn moved to reject the proposed
2 rule citing the burdensome expense to counties and
3 this board agreed. We know better now. We know for
4 certain that some counties have not retained all of
5 the ballot images from the November 2020 election in
6 violation of the law. Your decision last year means
7 that the November 2020 official results for several
8 counties cannot be replicated or supported.

9 We also know that the cost of memory cards
10 for 4,000 scanners is minor in the scope on cost to
11 operate the current election system. It's time to
12 reconsider your decision.

13 Georgia election results are tabulated
14 according to ballot images, not the actual ballots.
15 The memory cards contain those ballot images and
16 unique technical evidence invaluable to an expert
17 examination. The election records retention is
18 required by both Federal and State law. Retaining
19 scanner memory cards is an easy step you can take to
20 protect our elections. Thank you.

21 MR. NORTEN: The next speaker is Aileen
22 Nakamura. You should be able to speak at this time.

23 MS. NAKAMURA: Hi, can you hear me?

24 MS. SULLIVAN: Yes, we can hear you.

25 MS. NAKAMURA: Great. Good morning. I'm

1 Aileen Nakamura, a Fulton County voter and member of
2 CGG. As a poll watcher and election observer, I've
3 visited well over a hundred polling places after the
4 polls closed on election night in both Fulton and Cobb
5 counties. The document poll tapes and ballot recap
6 sheets which are supposed to be posted for the public
7 at the end of voting. Yet, I have witnessed only one
8 recap sheet ever posted at a polling place.

9 To make poll tapes and recap sheets are more
10 accessible, we urge that Section A4 of Rule
11 183-1-12-12 also state that counties and
12 municipalities with a public websites must post images
13 and poll tapes and recap sheets within 48-hours of
14 closing. In counties and municipalities without
15 public websites, must make them accessible as public
16 records within 48 hours of the polls closing. Ballot
17 recaps sheets are vital. They are how poll managers
18 reconcile the number of voters who came in with the
19 number of votes that were cast, (indiscernible) or
20 were provisional. Section A2 of the same rules spells
21 out, that if the numbers recorded on the recap sheet
22 do not reconcile with each other, the poll manager
23 shall immediately determine the reason for the
24 inconsistency, correct the inconsistency if possible
25 and fully document the inconsistency or problem along

1 with any corrective measures taken.

2 Please add another line stating, "If the poll
3 manager is unable to correct the inconsistency, the
4 poll manager shall immediately contact the election
5 superintendent to create a contemporaneous report of
6 the inconsistency or problem."

7 Lastly, Section E1 of the rule stating that
8 counties have until 30 days after the certification of
9 results to send in their reconciliation reports to the
10 Secretary of State's office clearly makes no sense.
11 It must be replaced with language stating that county
12 reconciliation reports must be sent prior to the
13 certification of election results.

14 I hope you seriously consider the many
15 recommendations that CGG sent in to the SEB several
16 weeks ago which will help increase transparency in
17 Georgia's elections. Thank you.

18 MS. SULLIVAN: Thank you.

19 MR. NORTEN: Next speaker is Joy Wasson.

20 MS. WASSON: Hi. I'm Joy Wasson, a DeKalb
21 County voter and member of Coalition for Good
22 Governance. I ask that you adopt the edits proposed
23 by Ronnie Martin including to the rule regarding poll
24 tapes. As an election observer, I have in recent
25 years learned more about and been delighted with the

1 ability for the public to go to polling place after
2 polls closed and see the results taped to the door.
3 It's exciting evidence that we have a truly
4 transparent election system.

5 Sadly, there have been too many times that
6 the poll tapes are not readable at all, sometimes
7 folded up by poll workers who haven't been trained to
8 understand their purpose is to provide important
9 oversight and inform campaigns in the public of
10 election day results from each precinct.

11 The existing Rule 183-1-12-.12 (A)3 says,
12 "One of the three tapes of the tabulated results
13 printed from the ballot scanner shall be affixed to
14 the door of the polling place for the information of
15 the public along with a copy of the provisional ballot
16 recap form for the polling place."

17 After affixed to the door of the polling
18 place, please insert in such a manner as to allow it
19 to be read top to bottom from outside the polling
20 place. And after that sentence, we must also add
21 these two sentences, If the county or municipality
22 maintains a publicly accessible website, a photograph
23 of the tapes and the provisional ballot recap form
24 from each polling place shall also be posted on the
25 home page of the county's publicly accessible website

1 associated with elections and/or registrations within
2 48 hours of the polls closing.

3 If a county or municipality does not maintain
4 a publicly accessible website, electronic copies of
5 the tapes and the provisional ballot recap forms shall
6 be available as public records within 48 hours of the
7 polls closing. Thank you.

8 MS. SULLIVAN: Thank you.

9 MR. NORTHEN: And the next speaker is Liz
10 Throop.

11 MS. THROOP: Hi. Thank you. I'm Liz Throop,
12 a DeKalb County voter and a member of the Coalition
13 for Good Governance. Thank you for your proposed
14 clarifications of 183-1-12-.12A9 regarding public
15 observation after polls have closed. It states that
16 accredited poll watchers and the public shall be
17 allowed to observe the process described in this rule.
18 However, they shall not do so in a manner -- they must
19 do so in a manner that does not interfere with poll
20 officials. In order to protect meaningful public
21 observation, please add visual access provided to
22 accredited poll watchers shall be sufficient to allow
23 them to assist in the detection of inconsistencies
24 than discrepancies.

25 Meaningful access will enable the public to

1 gain a better understanding of the complexity and
2 demands of conducting elections. Meaningful access
3 would allow observers for who are there for legitimate
4 oversight to see if important procedures were being
5 followed, to report irregularities, and help
6 corrective action to be taken. In one county where I
7 tried to observe tabulation, I was kept behind a
8 barrier more than 15 feet from the room with the
9 election management server. I couldn't see what
10 devices were being plugged into the server and
11 couldn't even see whether the computer was functional.
12 Nevertheless, the election director told me I was not
13 allowed to look in the direction of the server.

14 In another election, a fellow observer stood
15 behind that same barrier and was forbidden from
16 looking through a magnifying lens to get a view of the
17 screen. This is especially odd because the election
18 had been over for many hours and journalists had set
19 up cameras to shoot from that same vantage point.
20 Effective public observation in Georgia is in danger
21 of slipping away. Accredited poll watchers must be
22 able to not just observe the process, but be able to
23 engage in meaningful observation. Thank you for this
24 opportunity.

25 MS. SULLIVAN: Thank you. That is the

1 conclusion of our public comment period. We're going
2 to take a short break and reconvene at 10:10. Thank
3 you.

4 (A recess was taken.)

5 MS. SULLIVAN: -- item on our agenda in
6 consideration on the proposed rules that were posted
7 for public comment at our last meeting. I'll ask
8 Mr. Germany of the Secretary of State's office to give
9 us a brief overview of the rules that we are
10 considering for adoption today.

11 MR. GERMANY: Thank you, Madam Chair. This
12 is Ryan Germany with the Secretary of State's office.
13 Just as a little background, these rules are
14 comments -- amendments that we made to rules that were
15 adopted at the last SEB meeting based on public
16 comment received prior to that, so. And I'll go
17 through them quickly. I'll also note that the
18 Secretary of State's office and rules working group
19 are still working on additional rules and we hope to
20 have at least some of them ready to present at the
21 next SEB meeting, which I think we're trying to
22 schedule for early December. And, you know, of
23 course, I can include I think additional amendments to
24 these rules that we would be adopting today if the
25 rules working group or the board believes any

1 amendments are necessary.

2 The first amendment to rules today is in
3 183-1-12-.12, tabulating results. And just for
4 clarification on the new requirement of SB 202 about
5 accounting without ceasing, and to clarify that,
6 accounting may cease prior to tabulating provisional
7 ballots or UOCAVA ballots so long as they're done as
8 soon as possible following their receipt and the other
9 change in 183-1-12-.12 is about publicly posting the
10 total number of ballots after the close of polls,
11 another SB 202 requirement and this just clarifies
12 that the total number of ballots cast do include the
13 total number of ballots scanned through the ballot
14 scanner, provisional ballots issued at the precinct
15 and the total number of any cast but unscanned ballots
16 in the scanner emergency bin. It also requires a
17 reconciliation report to be submitted by election
18 superintendents as soon as possible but no later than
19 30 days following the certification of election
20 results. I should note that that's not a -- there's
21 still an existing canvassing requirement prior to
22 certification, and this report is not that, so. But
23 it is a report regarding reconciliation.

24 The following or the next change is in
25 183-1-12-.13, storage of returns. This just clarifies

1 that ballot images are subject to public records,
2 another change in SB 202 and the elected
3 superintendent shall not use any media provided by a
4 request to produce ballot images and the election
5 superintendent may charge the request or the actual
6 cost of the media utilized to produce the ballot
7 images.

8 Additional provisions are in Rule
9 183-1-12-.18, provisional ballots. These are really
10 just some language changes throughout the rule to try
11 to better clarify some of the changes in SB 202
12 regarding out-of-precinct voting. Clarify that if a
13 person states a good-faith belief that he or she
14 timely registered to vote in the precinct in which he
15 or she is present, he or she shall be offered a
16 provisional ballot and the poll officials shall inform
17 the person any votes cast by original ballot in the
18 wrong precinct will only be counted if that ballot
19 cast is after 5:00 p.m. and the person executes a
20 sworn statement witnessed by the poll official stating
21 that he or she is unable to vote at his or her correct
22 polling place prior to the close of the polls. And it
23 clarifies that any voter in line prior to the close of
24 polls can still vote like we always have been able to.

25 The other change -- did I miss one? I might

1 have missed one in Rule -- which ones did I miss? The
2 other change that I'm looking for in my packet -- oh,
3 here it is. Rule 183-1-14, absentee voting. That
4 changes the eligibility of application for absentee
5 ballots. So this rule just clarifies that a web-based
6 tool application is allowed to help -- can be utilized
7 to basically put in peoples' information to fill out
8 the hard copy form that is, of course, now required by
9 SB 202.

10 And it also clarifies that any application
11 for absentee ballot sent to any voter by any person or
12 entity and then the change we are making except
13 applications sent by the election superintendent or
14 registrar at the request of the elector shall display
15 the disclaimer language required by SB 202. So those
16 are the changes based on -- that were posted at the
17 last meeting and that I would ask the Board to adopt
18 at this meeting.

19 And, again, we continue to work on additional
20 rules good enough for the topics that were mentioned
21 today, and we hope to have those ready through the
22 rules working group process at the next -- at the next
23 SEB meeting. Happy to take any questions from the
24 Board.

25 MS. SULLIVAN: Thank you, Mr. Germany. Did

1 any of the board members have questions for
2 Mr. Germany?

3 THE REPORTER: I'm sorry. Who was that
4 speaking just now?

5 MS. SULLIVAN: This is Rebecca Sullivan.

6 MS. GHAZAL: Hi. This is Sara Ghazal. I
7 wanted to thank you, Ryan, for putting in the work on
8 all of this. I also wanted to echo the comments of so
9 many of the members of the public that an online
10 portal is really an important tool both for counties
11 and for voters. And the requirement of a web
12 signature is really problematic. Now, I understand
13 that also in the statute if there is not a way that
14 this can be worked within the rule-making process,
15 then I think it's really important to go back to the
16 legislature and ask them to revisit this question.

17 To that end and this is tangentially related
18 to the rule, but I think it's very important to
19 understand the impact of the law and the rule on the
20 voting public. I know that right now the -- most
21 counties are -- are completing their process before
22 absentee ballot applications, but I think it's going
23 to be important to look at how many voters are
24 affected and impacted by these changes. A lot of the
25 information is going to be in E-net, but it will be

1 very helpful to have it collated for the entire state,
2 and I would like to see a report coming out of this
3 very low-turnout election to see how many voters have
4 had their applications rejected either for a lack of a
5 web signature or for whatever other reason including
6 the much earlier deadline just so we can understand
7 the impact of these changes and the rules and the
8 statute. And perhaps that will lead to better
9 informed rule making, better informed legislature, and
10 we also have a statutory obligation to provide voter
11 education from the State Election Board under 21-2-31.

12 So -- and again that's -- so my overall
13 comment.

14 MS. SULLIVAN: Thank you, Ms. Ghazal. Any of
15 the other board members have any questions for
16 Mr. Germany or any comments regarding the rules?

17 MR. MASHBURN: I move that the board adopt
18 Rule 183-1-12-.12, proposed rule as published.

19 MS. SULLIVAN: We have a motion on the table
20 to adopt 183-1-12-.12 as originally posted. Is there
21 a second?

22 THE REPORTER: I apologize. I can't tell
23 who's speaking.

24 MS. SULLIVAN: Mr. Mashburn made that motion.
25 This is Rebecca Sullivan.

1 THE REPORTER: Thank you. I'm so sorry.

2 MS. SULLIVAN: Do we have a second?

3 MS. LE: This is Anh Le. I second.

4 MS. SULLIVAN: -- motion second. Is there
5 any further discussions?

6 All in favor please say aye.

7 (All members voted aye.)

8 MS. SULLIVAN: And there are none opposed?

9 (No response.)

10 MS. SULLIVAN: I'll entertain a motion
11 regarding the next rule.

12 MR. MASHBURN: I move to adopt the Board's
13 proposed Rule 183-1-12-.13 as published.

14 MS. SULLIVAN: Is there a second?

15 MS. GHAZAL: I second.

16 MS. LE: This is Ahn Le, I second.

17 MS. SULLIVAN: We have a second from

18 Ms. Ghazal. Any further discussion?

19 (No response.)

20 MS. SULLIVAN: All in favor please say aye.

21 (All members voted aye.)

22 MS. SULLIVAN: There are none opposed.

23 Next?

24 MR. MASHBURN: I move that the Board adopt
25 Rule 183-1-12-.18 as published.

1 MS. SULLIVAN: Is there a second?

2 MS. LE: This is Ahn, I'll second.

3 MS. SULLIVAN: Mrs. Le has seconded the
4 motion to adopt 183-1-12-.18 as posted. Is there any
5 further discussions? All in favor please say aye.

6 (All members voted aye.)

7 MS. SULLIVAN: There are none opposed.

8 MR. MASHBURN: I move that the Board adopt
9 Rule 183-1-14-.12 as posted.

10 MS. SULLIVAN: Is there a second?

11 MS. GHAZEL: I'll second that motion, Rebecca
12 Sullivan.

13 MS. SULLIVAN: Is there any further
14 discussion?

15 (No response.)

16 MS. SULLIVAN: All in favor, please say aye.

17 (All members voted aye.)

18 MS. SULLIVAN: Are there any opposed?

19 (No response.)

20 MS. SULLIVAN: There are none opposed, then
21 that motion passes.

22 The next on our agenda, I would like to
23 request that Mr. Germany give the Board a brief
24 overview of the activities where the Fulton County
25 Review Panel is in their process. Mr. Germany?

1 MR. GERMANY: Madam Chair, this is Ryan
2 Germany from the Secretary of State's office. I just
3 wanted to provide the board with a brief update on the
4 Fulton County Performance Review process. At the
5 board's last meeting, you appointed myself, Steven Day
6 from the Gwinnett County elections board and Ricky
7 Kittle, chairman of the Catoosa County Elections Board
8 to the performance review team, and we have been
9 approaching that task and getting our hands and
10 getting our arms around it. We have been working well
11 with Fulton County. We've had discussions with Fulton
12 County, with their new board chair, with their
13 attorney, their elections director about how to best
14 approach this, and they have been very cooperative in
15 terms of giving us the access we need and the
16 documents we've requested and that's ongoing.

17 We were also able to spend a day earlier this
18 week in observing certain tasks at Fulton County that
19 are ongoing including absentee ballot, processing and
20 early voting. We're also planning to do additional
21 observations on election day next week. So the
22 process is proceeding. We hope to continue to do
23 that. We hope to be able to bring back to the State
24 Election Board a report, thorough report that has
25 recommendations and that hopefully is helpful to the

1 board and also helpful to Fulton County.

2 You know, the review will also consist of --
3 we have not gotten to this part yet, but we have been
4 planning it, is talking to different people within
5 Fulton County and also outside of the Fulton County,
6 you know, to make sure we try to determine the extent
7 of any issues that happened last year in an attempt to
8 provide kind of better answers on any of those.

9 So the review's proceeding and Fulton County
10 and team, I believe, are working well together and --
11 and that's really all I can think of today. But
12 hopefully, we'll continue to proceed in the
13 cooperative fashion that it has so far.

14 MS. SULLIVAN: Thank you, Mr. Germany, for
15 that update. I know the Board appreciates your work
16 in this regard to accomplish this task.

17 There being no other business before us
18 today, I'll entrain a motion to adjourn.

19 MR. MASHBURN: Motion to adjourn.

20 MS. GHAZAL: Before we adjourn, I would like
21 to make a statement, Ms. Sarah Ghazal.

22 MR. MASHBURN: I withdraw my motion to
23 adjourn.

24 MS. SULLIVAN: Okay. Go ahead, Ms. Ghazal.

25 MS. GHAZAL: Thank you. I appreciate that.

1 I just want to make sure that we are looking
2 at this review process in the broader context. This
3 process exists because of the big lie and we can't
4 ignore the ongoing and increasing damage that's being
5 done to our democracy on this information. What is it
6 about the 2020 election drove the legislature to pass
7 this, and this information related to Fulton County is
8 what triggered the review to begin with. And this is
9 metastasizing and it really represents a profound
10 threat to our democratic institutions and to the
11 people who are running our democracy including some of
12 the folks on this board itself; but we can't ignore
13 this context that we find ourselves in it.

14 Yes, it is -- we have to conduct this review
15 under State law. It dictates that, but I just want to
16 make sure that we are keeping in mind what has driven
17 this and that Fulton County voters deserve
18 transparency in the process and support. Thank you.

19 MS. SULLIVAN: Do any of the other board
20 members like to make any comments at this time? If
21 not, I will now entertain a motion to adjourn.

22 MR. MASHBURN: Move to adjourn.

23 MS. SULLIVAN: I second that motion. All in
24 favor, please say aye.

25 (All members voted aye.)

1 MS. GHAZAL: And there are none opposed, so
2 this meeting is adjourned. Thank you.

3 (Meeting adjourned at 10:27 a.m.)

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1 C E R T I F I C A T E

2 STATE OF GEORGIA)

3 DEKALB COUNTY)
4

5 I hereby certify that the above and foregoing was
6 taken down by me in stenotype, and the questions and
7 answers thereto were reduced to computer print under
8 my supervision, and that the foregoing represents a
9 true and correct transcript of the deposition given by
10 said witness upon said hearing.

11 I further certify that I am neither of counsel nor
12 of kin to the parties to the action, nor am I in
13 anyway interested in the result of said cause.

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18 LaKeysha T. Satterfield,
GCCR# 6200610232205312 - Expires April 1, 2022

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